

REMARKS / ARGUMENTS

In the above-identified Advisory Action, the Examiner maintained the new matter rejection under section 112, first paragraph to Claim 1, pointing out the difference between the disclosure wherein the free volume was directed to the web and the claim, wherein the free volume was directed to the foam structure. Applicant notes that, as initially claimed, the foam structure was recited as a subset of the web and, therefore, Applicant believes no new matter was involved. However, Applicant has conceded to the Examiner's interpretation and has amended Claim 1 so that it now recites that the web has a free volume, thus explicitly conforming to the disclosure. As such, Applicant believes that the new matter rejection under section 112 has been overcome.

While not stated, it would appear that the Examiner has maintained the rejection under 35 U.S.C. Section 103(a), rejecting claims 1, 26 and 27 as obvious over Cox et al. Applicant notes that it has amended Claim 1 so that it now recites that the web has a free volume of more than 60% that can be accessed by the resin. This is the definition of free volume set forth in Cox et al., column 3, lines 2-4 and the subject application, page 13, lines 21-24. By using the definition of Cox et al., both materials are measured by the same standard. Thus, if one were to follow the teachings of Cox et al., one would have a free volume of less than 60% whereas the subject invention clearly recites more than 60% free volume with both measurements being held to the same standard. As a result, Applicant believes that, as amended, the claims now recite over Cox et al. and are, therefore, patentable.

Applicant hereby requests reconsideration and reexamination thereof.

Application No. 10/529,436
Amdt. dated 27 April 2010
Reply to Office Action of 23 December 2009

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

With the above amendments and remarks, this application is considered ready for allowance and applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he/she is respectfully requested to call the undersigned at the below listed number.

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Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gerald T. Shekleton".

Dated: 27 April 2010

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